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SUBJECT: EC MAKES NEW PITCH ON CULTURAL DIVERSITY CONVENTION

¶1. SUMMARY: DCM Koss and I attended a lunch March 19 hosted by Luxembourg ambassador to UNESCO Hubert Wurth. Wurth, who was acting for the EU presidency, also included his deputy and Xavier Troussard of the Culture and Education Division of the European Commission. Lunch discussion focused on the UNESCO cultural diversity convention. Highlights of the discussion included EC insistence that the convention must be "complementary" and not subordinate to other international obligations and that the proposed convention would not contradict existing trade agreements. Troussard also gave a lengthy explanation of why the word "protect" should not be defined in the convention. At the end of the lunch Wurth gave us a copy of the draft resolution on EC participation in cultural diversity negotiations to be discussed at the next UNESCO Executive Board in April. END SUMMARY.

¶2. Troussard remarked that most of the horizontal issues in the draft cultural diversity convention are related to article 19 (the relationship of the convention to other international instruments). He insisted that the proposed cultural diversity convention would be complementary to other agreements and that no country would want to use it to erect trade barriers. Troussard also averred that any country adopting a policy that limits the choice of cultural expressions would not be acting in the spirit of the convention.

¶3. Troussard was categorical that the word protect must not be defined in the convention. According to the EC Rep, a definition is not necessary since the word has no trade connotations. The EC believes the definition will be implicit in the rights and obligations clause of the convention. "He also felt that the principles of respect for human rights and openness are embodied in the convention and therefore a definition is unnecessary."

¶4. We were also unable to reach agreement on the criteria for a "cultural" good. Troussard was adamant that agricultural products do not have a cultural component. His view on the matter could be boiled down to "you'll know a cultural good when you see it."

¶5. During the discussion I mentioned US concern that the proposed dispute resolution mechanism would turn UNESCO into a dispute resolution body. (Neither Troussard nor Wurth responded to this.) I also asked what prevents nations from acting now to preserve their culture (again, no good answer). Lastly, I emphasized the difference between a declaration and a convention, and that since a convention is a binding commitment on governments, there must be a clarity on scope, objectives, and terms.

¶6. Before leaving, Wurth handed us a copy of a draft resolution for the upcoming executive committee meeting (copy already faxed to IO/T). The resolution seeks full participation for the EC at the next round of negotiations, including the right to sit behind its own nameplate and to speak in its own name at the same time as the members of UNESCO. The resolution does not seek voting rights for the EC.

¶7. Comment: It cannot be said it was a dialogue of the deaf, but it is clear from the discussion that we are far apart from the EC on many issues. The Commission has strong views on several sensitive topics. It will take a lot of hard negotiating and continued dialogue to find the common ground that will allow for a convention we can accept.
Oliver